

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

GILBERT GITHERE,  
  
Plaintiff,  
  
v.

CONSOLIDATED AMUSEMENT  
CORPORATION, LTD.; ALOHA  
STADIUM AUTHORITY, INC., and  
John Tellis, General Manager,  
  
Defendants.

CIVIL NO. CV04 00116 DAE LEK  
  
DECLARATION OF HEATHER M.  
RICKENBRODE

**DECLARATION OF HEATHER M. RICKENBRODE**

I, HEATHER M. RICKENBRODE, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am an attorney duly licensed to practice in the State of Hawaii and represent Defendants and Judgment Creditors CONSOLIDATED AMUSEMENT CORPORATION, LTD and JOHN TELLIS (hereinafter, collectively, "Judgment Creditors") in the above-entitled matter.

2. Judgment Creditors filed an Ex Parte Motion for Examination of Judgment Debtor ("Motion") on December 9, 2005. A true and correct copy of the Motion is attached hereto as Exhibit "A".

3. An unfiled copy of the Motion was delivered to Plaintiff and Judgment Debtor Gilbert Githere's (hereinafter "Judgment Debtor") counsel on

December 6, 2005. A filed copy of the Motion and Order Granting Motion were delivered to Judgment Debtor on December 15, 2005. A true and correct copy of the Motion's Certificate of Service, filed on December 15, 2005, is attached hereto as Exhibit "B".

4. The Order Granting Motion scheduled the Examination of Judgment Debtor at 9:00 a.m. on January 20, 2006.

5. I attended the Examination at 9:00 a.m. on January 20, 2006, and Judgment Debtor failed to appear.

6. Judgment Debtor has not received a Stay of Execution on Judgment Creditors' Bill of Costs, and the judgment has not been satisfied.

7. Judgment Debtor's failure to appear at the January 20, 2006 Examination was in clear violation of this Court's Order. Judgment Creditors therefore request that the Court issue an Order directing Judgment Debtor to show cause why he should not be held in civil contempt of court, with appropriate sanctions entered to prevent further violations, to punish past violations, and to compensate Judgment Creditors for their resultant damages (e.g. payment of Judgment Creditors' related attorneys' fees and costs).

Executed this 26<sup>th</sup> day of January, 2006 at Honolulu, Hawaii.

  
HEATHER M. RICKENBRODE